

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF'S MOTION FOR LEAVE TO FILE
RESPONSE TO DEFENDANT'S SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF**

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ATTORNEYS FOR THE PLAINTIFF

Plaintiff, Singular Computing LLC (“Singular”), respectfully moves for leave to file a short 5 page response to the Supplemental Claim Construction Brief filed by defendant, Google LLC (“Google”) on March 15, 2021. Dkt. No. 146. A copy of Singular’s proposed Response is attached hereto as Exhibit 1. For the reasons set forth below, Singular requests that leave be granted.

At the February 23, 2021 Status Conference, counsel for Google requested leave to file a supplemental claim construction brief once Google takes the deposition of Singular’s technical expert herein, Dr. Khatri. Counsel for Google intimated that Dr. Khatri made statements during the ongoing IPR proceedings that are inconsistent with his claim construction Declaration in this case. Pursuant to Google’s request, the Court ordered that the parties may file an “8 page supplemental brief re expert depositions due by 3/15/2021.” *See* Dkt. No. 139.

Google filed its Supplemental Brief on March 15, 2021. *See* Dkt. No. 146.¹ Google failed to identify any inconsistencies in Dr. Khatri’s statements. Instead, Google submitted additional arguments in support of its claim construction positions. *See* Dkt. No. 146. Accordingly, as these additional arguments could not have been addressed in Singular’s March 15, 2021 supplemental statement, Singular moves for leave to file a short response thereto and its Supplemental Brief submitted herewith.

Accordingly, for the reasons set forth above, Singular requests that leave be granted.

¹ Singular filed a supplemental statement on March 15, 2021. *See* Dkt. No. 145. As Singular was unaware of any alleged inconsistencies in Dr. Khatri’s testimony, Singular simply stated that it intended to file this motion for leave, if necessary. *See id.*

Dated: March 19, 2021

Respectfully submitted,

/s/ Paul J. Hayes

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LOCAL RULE 7.1(a)(2) CERTIFICATION

I, hereby certify, pursuant to L.R. 7.1(a)(2), that counsel for both parties have conferred and attempted in good faith to resolve or narrow the issues raised in this motion.

/s/ Paul J. Hayes

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Paul J. Hayes
